



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/686,751

10/16/2003

Michael R. Furst

A2484KUSNP/XERZ201274US01

8683

62095 7590 07/07/2011
FAY SHARPE / XEROX - ROCHESTER
1228 EUCLID AVENUE, 5TH FLOOR
THE HALLE BUILDING
CLEVELAND, OH 44115

EXAMINER

ESKANDARNIA, ARVIN

ART UNIT

PAPER NUMBER

2453

MAIL DATE

DELIVERY MODE

07/07/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/686,751	FURST ET AL.	
	Examiner	Art Unit	
	ARVIN ESKANDARNIA	2453	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2453

Please note that this is a new action after reopening of prosecution as discussed in the Interview

Summary mailed 16 June 2011 (interview date: 2 June 2011).

Response to Amendment

Claims 26-44 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 26-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Hand et al. U.S. Patent No: 7,111,304 B2.

As per claims 26 and 36, Hand discloses:

Art Unit: 2453

- *A system for remotely supporting a family of products even when the products are deployed in the field, the system comprising:*
 - *at least one respective unit (110) of a first product of the family of products,* (Hand, Fig. 1, Ref. 6a-6b) where two separate devices are shown that are the products as claimed;
 - *an interchangeable device model (122, 123) for the first product selected from a family of device models wherein each member of the family of device models includes at least identifications of classes of information that can be communicated to and/or from the each of the products of the family of products and mappings indicating how the classes of information can be communicated to and/or from the first product,* (Hand, Col. 4, Lines 31-40) where the device specific modules 12a and 12b are the interchangeable device models as claimed. The agents 10a and 10b instantiate classes implemented by device specific modules 12a and 12b and call methods from such classes to access data from the devices. The device specific modules implement classes (device Communication classes) in device specific code that utilize device specific application programming Interface (API) in order to access information from the managed resources 6a and 6b. The device specific modules 12a and 12b provide the mapping or translation of the device communication classes and device specific APIs (Hand, Col. 5, Lines 18-21);

Art Unit: 2453

- ***at least one respective device model agent (120)*** [(Hand, Fig. 1, Ref. 10a-10n) where the Common Information Model (CIM) provider is the respective device model agent as claimed] ***that is operative to read the interchangeable device model and access information in the at least one respective unit*** [(Hand, Col. 4, Lines 31-40) where the CIM provider calls methods from classes to access data from the devices] ***and to provide information to the at least one respective unit according to the interchangeable device model*** [(Hand, Col. 4, Lines 4-7) where the CIM providers obtain the requested device specific information or perform the device related operations and return any obtained information to the CIMOM to return to the client] ***and to communicate with at least one other element of the system regarding the at least one unit over at least one communications link according to terms, parameters, structures or protocols that are common to products of the family of products*** [(Hand, Col. 3, Lines 60-64) where the transport mechanism such as TCP and application protocol such as HTTP are used to communicate with the CIM clients for information on devices], ***regarding at least one of unit configuration parameters, unit status information, available upgrade information, selected upgrade information, selected downgrade information, available update information, requested update information, an error message, and service request information,*** [(Hand, Col. 6, Lines 8-16 and 18-25) where the different information regarding the

Art Unit: 2453

devices and the services such as providing the status change information for all instances of particular device types is described];

- *a services host server (310) that is operative to exchange information with the at least one respective device model agent over the at least one communications link* [(Hand, Fig. 1, Ref. 2)] where the Common Information Model Object Manager (CIMOM) is can be the services host server as claimed], *the exchanged information including at least one of: the unit configuration parameters, the unit status information, the available upgrade information, the selected the upgrade information, the selected downgrade information, the available update information, the requested update information, the error message, and the service request information*, [(Hand, Col. 6, Lines 8-16 and 18-25) where the different information regarding the devices and the services such as providing the status change information for all instances of particular device types is described];

As per claims 27 and 37, claims 26 and 36 are incorporated and further Hand discloses:

- *at least one respective second unit (110) of a second product of the family of products*, (Hand, Fig. 1, Ref. 6a-6b) where two separate devices are shown that are the products as claimed;

- *a second interchangeable device model (122) for the second product selected from the family of device models wherein the second interchangeable device model includes mappings indicating how the classes of information can be communicated to and/or from the second product*, (Hand, Col. 4, Lines 31-40) where the device specific modules 12a and 12b are the interchangeable device models as claimed. The agents 10a and 10b instantiate classes implemented by device specific modules 12a and 12b and call methods from such classes to access data from the devices. The device specific modules implement classes (device Communication classes) in device specific code that utilize device specific application programming Interface (API) in order to access information from the managed resources 6a and 6b. The device specific modules 12a and 12b provide the mapping or translation of the device communication classes and device specific APIs (Hand, Col. 5, Lines 18-21);
- *at least one respective copy of the device model agent (120)* [(Hand, Fig. 1, Ref. 10a-10n) where the Common Information Model (CIM) provider is the respective device model agent as claimed] *that is operative to read the second interchangeable device model and access information in the at least one second respective unit of the second product* [(Hand, Col. 4, Lines 31-40) where the CIM provider calls methods from classes to access

Art Unit: 2453

data from the devices] *and to provide information to the at least one respective unit of a second product according to the second interchangeable device model* [(Hand, Col. 4, Lines 4-7) where the CIM providers obtain the requested device specific information or perform the device related operations and return any obtained information to the CIMOM to return to the client] *and to communicate with the services host regarding the at least one unit over at least one communications link according to the terms, parameters, structures or protocols that are common to products of the family of products* [(Hand, Col. 3, Lines 60-64) where the transport mechanism such as TCP and application protocol such as HTTP are used to communicate with the CIM clients for information on devices], *regarding at least one of second unit configuration parameters, second unit status information, available second unit upgrade information, selected second unit upgrade information, selected second unit downgrade information, available second unit update information, requested second unit update information, an error message regarding the second unit, and service request information regarding the second unit*, [(Hand, Col. 6, Lines 8-16 and 18-25) where the different information regarding the devices and the services such as providing the status change information for all instances of particular device types is described];

Art Unit: 2453

As per claims 28 and 38, claims 26 and 36 are incorporated and further Hand discloses:

- *at least one services provider (300) that is operative to exchange information with the services host server over at least one communications link and to provide at least one of: updated software, software upgrades, billing services, maintenance services and repair services for the at least unit according to at least one of: the unit status information, the selected upgrade information, the requested update information, the error message and the service request information received from the at least one unit, [(Hand, Col. 6, Lines 8-16 and 18-25) where the different information regarding the devices and the services such as providing the status change information for all instances of particular device types is described];*

As per claims 29 and 39, claim 26 and 36 are incorporated and further Hand discloses:

- *the at least one respective device model agent is at least one of: implemented as a process included in the at least one respective unit and implemented within a physical add-on module (115) that is connected to the respective at least one unit, (Hand, Col. 4, Lines 65-68) where the CIM providers may be implemented on different computing devices or executed on the same computing device.*

As per claims 30 and 40, claims 26 and 36 are incorporated and further Hand discloses:

- *an application server (200, 310, 320) that is operative to receive application software modules from at least one services provider and make the software application modules available for transmission to and installation in the at least one respective device model agent for performing new services in conjunction with the at least one respective unit*, (Hand, Fig. 1, Ref. 2 and Col. 4, Lines 1-7) where the CIMOM processes the requests from the clients and then interfaces with the CIM providers where the providers in turn obtain the requested device specific information or perform the device related operations and return any obtained information to the CIMOM to return to the clients.

As per claims 31 and 41, claims 26 and 36 are incorporated and Hand further discloses:

- *at least one of the at least one respective device model agent is at least one of: implemented as a device proxy (210) and implemented in a device proxy within in the applications server*, (Hand, Col. 10, Lines 44-47) where the CIM providers are the proxy providers and implement the DevComm classes.

As per claims 32 and 42, claims 30 and 40 are incorporated and further Hand discloses:

- *at least on of: the respective at least one unit, the services host server and the application server further comprise: an application*

Art Unit: 2453

programming interface (130, 230, 330) that is operative to determine which means of communications are available to the application programming interface, to select one or more communication means from the available communications means for communicating with at least one other system element, and to communicate with the at least one other system element according to one or more protocol that is appropriate to the one or more selected communications means, (Hand, Col. 5, Lines 14-18) where the vendors may code device specific APIs which include methods having device specific commands to query the devices for information. The methods can include the methods or means of communicating with the devices.

As per claims 33 and 43, claim 32 and 42 are incorporated and further Hand discloses:

- *the application programming interface supports communication via at least HTTP, HTTPS, JMS, email, 10BaseT, 100BaseT, 10Base2, Modem, IEEE 802.11X, and Bluetooth, protocols,* (Hand, Col. 3, Lines 60-64).

As per claims 34 and 44, claim 26 and 36 are incorporated and further Hand discloses:

- *the device model agent is further operative to at least one of: add a new service received from an applications server to the device model agent, start a service running and stop a service,* (Hand, Col. 1, Lines 60-64)

Art Unit: 2453

where the stopping and starting of service or addition of resources to a monitored device are described.

As per claim 35, claim 26 is incorporated and further Hand discloses:

- *the at least one respective unit comprises: an image processing device,*
(Hand, Col. 5, Lines 1-5).

Response to Arguments

2. Applicant's arguments with respect to *claims 26-44* have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARVIN ESKANDARNIA whose telephone number is (571)270-3205. The examiner can normally be reached on Monday - Thursday, 8:00AM-6:00PM (EST),.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krista Zele can be reached on (571)272-7288. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2453

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ARVIN ESKANDARNIA/

Examiner, Art Unit 2453

Date: June 22, 2011

/Krista M. Zele/

Supervisory Patent Examiner, Art Unit 2453